

EXHIBIT 3

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16 **UNITED STATES DISTRICT COURT**
17
18 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

19 In re: INCRETIN-BASED THERAPIES
20 PRODUCTS LIABILITY
21 LITIGATION

22 *As to All Related and Member Cases*
23
24
25

Case No. 13-md-2452-AJB-MDD

**DEFENDANT NOVO NORDISK
INC.'S SUPPLEMENTAL
OBJECTIONS AND RESPONSES
TO PLAINTIFFS' AMENDED
SECOND SET OF
INTERROGATORIES**

Judge: Hon. Anthony J. Battaglia
Magistrate: Hon. Mitchell D. Dembin

1 Defendant Novo Nordisk Inc. (“NNI”), for itself alone and for no other
2 defendant, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure,
3 hereby supplements its objections and responses to Plaintiffs’ Amended Second Set
4 of Interrogatories filed with this Court on February 14, 2014, as follows:

5 **GENERAL OBJECTIONS**

6 1. NNI objects to these interrogatories to the extent they impose
7 obligations beyond those imposed by the Federal Rules of Civil Procedure, any
8 applicable Order of this Court, including, but not limited to, the Order governing the
9 Production of Electronically Stored Information (“ESI Order”), the CMO Governing
10 Limitations on Written Discovery, when entered, or this Court’s Local Rules. *See*
11 *Order Governing the Production of Electronically Stored Information, In re Incretin-*
12 *Based Therapies Prods. Liab. Litig.*, No. 13-md-2452-AJB-MDD (S.D. Cal. Nov.
13 15, 2013), Doc. No. 187 (“ESI Order”).

14 2. NNI objects to the voluminous nature of these interrogatories paired
15 with the additional sets of interrogatories propounded on NNI, the total number of
16 which exceeds that which is allowed under the Federal Rules of Civil Procedure.
17 Nevertheless, following agreement by the parties, NNI agreed to respond to these
18 interrogatories while reserving its rights to include substantive objections about
19 which the parties will be prepared to meet and confer.

20 3. NNI objects to these interrogatories to the extent they seek information
21 protected by the attorney-client, work-product, or any other applicable privilege or
22 immunity from discovery. Any disclosure of information protected by any such
23 privilege or other immunity shall be deemed inadvertent and shall not constitute a
24 waiver of such privilege or other immunity.

25 4. NNI objects to these interrogatories, including subparts, to the extent
26 they call for information that is not in the possession, custody, or control of NNI, or
27 is a matter of public record or otherwise as accessible to Plaintiffs as to NNI.

28 5. NNI objects to Plaintiffs’ Definitions to the extent such definitions, as

1 incorporated into these interrogatories, renders an interrogatory vague, ambiguous,
2 overly broad, unduly burdensome, and not reasonably calculated to lead to the
3 discovery of admissible evidence. Specifically, NNI objects to Plaintiffs' definitions
4 of "YOU," "YOUR," "YOURS," or "Defendants" as vague and ambiguous. NNI's
5 responses to interrogatories herein construe terms "You," "Your," or "Defendant" to
6 mean Novo Nordisk Inc. only.

7 6. NNI objects to these interrogatories to the extent they seek information
8 from time periods that are irrelevant or inapplicable to Victoza®.

9 7. NNI objects to these interrogatories to the extent they seek information
10 concerning products other than Victoza® (liraglutide).

11 8. NNI objects to these interrogatories to the extent they seek to function
12 as document requests.

13 9. NNI objects to these interrogatories to the extent they call for the
14 identification of all documents, individuals, information, or communication as well
15 as any and/or every document, individual, piece of information, or communication
16 when all relevant facts can be obtained from fewer than "all" documents or "any"
17 document.

18 10. NNI objects to these interrogatories to the extent they seek information
19 pertaining to injuries, alleged side effects, or adverse reactions not at issue in this
20 litigation on the grounds that such interrogatories are not relevant, overly broad, and
21 not reasonably calculated to lead to the discovery of admissible evidence.

22 11. NNI objects to these interrogatories to the extent they seek information
23 related to foreign regulatory submissions, requirements, or activities, or the direction
24 of foreign regulatory bodies, because it is neither relevant nor reasonably calculated
25 to led to the discovery of admissible evidence and is unduly burdensome. Such
26 information is subject to different regulatory and legal standards and requirements,
27 and can be influenced by political, cultural, and social differences, including, but not
28 limited to, differences in the practice of medicine.

1 12. NNI objects to these interrogatories to the extent they seek sales,
2 marketing, or advertising information outside of the United States because it is
3 neither relevant nor reasonably calculated to lead to the discovery of admissible
4 evidence and is unduly burdensome to produce in this litigation.

5 13. NNI objects to these interrogatories to the extent the information sought
6 is already in Plaintiffs' possession, custody or control, or are equally available to the
7 Plaintiffs, on the grounds that such discovery requests are unreasonably cumulative
8 and duplicative, and that the information may be obtained from a source that is more
9 convenient, less burdensome, and less expensive.

10 14. NNI objects to these interrogatories to the extent they seek an analysis
11 or summary of documents or information that is generally available to all parties.
12 NNI objects further pursuant to Federal Rule of Civil Procedure 33(d) on the
13 grounds that the burden of ascertaining such information is substantially the same
14 for Plaintiffs as for NNI.

15 15. NNI objects to these interrogatories to the extent they seek confidential,
16 proprietary, competitively sensitive, or trade secret information. To the extent NNI
17 produces responsive and non-privileged information, any such information will be
18 produced in accordance with the agreed-upon and Court-ordered Protective Order
19 entered in this Litigation.

20 16. NNI objects to these interrogatories to the extent that they are
21 duplicative of the deposition notices for testimony pursuant to Rule 30(b)(6) of the
22 Federal Rules of Civil Procedure that Plaintiffs have also served on NNI in this
23 action.

24 17. NNI objects to these interrogatories to the extent they request NNI to
25 disclose the identity of any individual who allegedly experienced an adverse effect
26 or who reported such an adverse experience on the ground that such a disclosure
27 would violate the patients' or reporters' right to confidentiality under federal law.

28 18. NNI's investigation into this matter is ongoing. Therefore, NNI may be

1 unable to provide full and complete responses to certain interrogatories. NNI will
2 respond to these interrogatories as fully and completely as possible. NNI may
3 supplement these responses as additional, responsive, relevant and non-privileged
4 information becomes available.

5 19. By responding to these interrogatories, NNI does not concede the
6 relevance, materiality, or admissibility of any of the documents sought herein for use
7 as evidence in any hearing or trial. NNI's responses are made subject to, and
8 without waiving, any objections as to relevance, materiality, or admissibility. NNI
9 expressly reserves the right to object to further discovery on the subject matter of
10 any of these requests.

11 20. NNI objects to these interrogatories to the extent they are outside the
12 scope of general causation discovery and inapplicable discovery at this time
13 pursuant to this Court's February 18, 2014 Order, which requires Plaintiffs to
14 "narrow all discovery related requests to issues involving general causation." *See*
15 *Initial Case Management Scheduling Order Regarding General Causation, In re*
16 *Incretin-Based Therapies Prods. Liab. Litig.*, No. 13-md-2452-AJB-MDD (S.D. Cal.
17 Feb. 18, 2014), Doc. No. 325 ("February 18 Order"). NNI will supplement its
18 answers with information beyond general causation at the appropriate time, if
19 necessary and applicable, per further Order of this Court.

20 21. The applicable foregoing General Objections are incorporated into each
21 of the specific objections and responses that follow. Stating a specific objection or
22 response shall not be construed as a waiver of NNI's general or specific objections.

23 **OBJECTIONS AND RESPONSES TO INDIVIDUAL INTERROGATORIES**

24 **Interrogatory No. 4:**

25 Identify the names and state the present and/or last known address(es) of the
26 individual(s)/employee(s) with the most knowledge pertaining to VICTOZA,
27 including but not limited to:
28

- 1 (a) The Product managers at all times Defendant manufactured, produced,
2 promoted, formulated, created, designed, sold and/or tested VICTOZA,
3 identifying the individuals by time period;
- 4 (b) The sales representatives (whether nationally, regionally, etc.) at all times
5 Defendant manufactured, produced, promoted, formulated, created,
6 designed, sold and/or tested VICTOZA, identifying the individuals by time
7 period;
- 8 (i) If the sales representative was a regional position, please identify all
9 regions that Defendant utilized and the person(s) most knowledgeable
10 for each specific region, identifying the individuals by time period; and
11 (ii) Describe the sales and marketing organizational structure utilized by
12 YOU regarding VICTOZA;
- 13 (c) The safety and compliance individuals in charge of reporting ADVERSE
14 EVENTS and complaints of side effects to the FDA or any other agency, and
15 investigating all ADVERSE EVENTS and complaints of side effects at all
16 times Defendant manufactured, produced, promoted, formulated, created,
17 designed, sold and/or tested VICTOZA, identifying the individuals by time
18 period;
- 19 (d) The person or persons at all times responsible for Quality Assurance with
20 regard to VICTOZA;
- 21 (e) Defendant's liaison(s) to the FDA, whether or not part of the regulatory affairs
22 department, with regard to VICTOZA at all times Defendant manufactured,
23 produced, promoted, formulated, created, designed, sold and/or tested
24 VICTOZA, identifying the individuals by time period;
- 25 (f) Defendant's researcher(s) and developer(s) responsible for VICTOZA at all
26 times Defendant manufactured, produced, promoted, formulated, created,
27 designed, sold and/or tested VICTOZA, identifying the individuals by time
28 period;

- 1 (g) Defendant's scientific researcher(s) of VICTOZA at all times Defendant
2 manufactured, produced, promoted, formulated, created, designed, sold and/or
3 tested VICTOZA, identifying the individuals by time period;
- 4 (h) The person or persons responsible for Defendant's marketing and/or detailing
5 of VICTOZA at all times Defendant manufactured, produced, promoted,
6 formulated, created, designed, sold and/or tested VICTOZA, identifying the
7 individuals by time period;
- 8 (i) Defendant's Chief Medical Officer at all times Defendant manufactured,
9 produced, promoted, formulated, created, designed, sold and/or tested
10 VICTOZA, identifying the individuals by time period;
- 11 (j) Defendant's Chief Executive Officer ("CEO") at all times Defendant
12 manufactured, produced, promoted, formulated, created, designed, sold and/or
13 tested VICTOZA, identifying the individuals by time period;
- 14 (k) Defendant's President at all times Defendant manufactured, produced,
15 promoted, formulated, created, designed, sold and/or tested VICTOZA,
16 identifying the individuals by time period;
- 17 (l) Defendant's Chief Financial Officer ("CFO") at all times Defendant
18 manufactured, produced, promoted, formulated, created, designed, sold and/or
19 tested VICTOZA, identifying the individuals by time period;
- 20 (m) Defendant's Chief Information Officer ("CIO") at all times Defendant
21 manufactured, produced, promoted, formulated, created, designed, sold and/or
22 tested VICTOZA, identifying the individuals by time period;
- 23 (n) The person responsible for regulatory affairs at all times Defendant
24 manufactured, produced, promoted, formulated, created, designed, sold and/or
25 tested VICTOZA, identifying the individuals by time period;
- 26 (o) Defendant's liaison(s) with any subsidiary or affiliate located outside the
27 United States that manufactured, produced, promoted, formulated, created,
28

- 1 designed, sold and/or tested VICTOZA, identifying the individuals by time
2 period;
- 3 (p) Defendant's General Counsel and/or the names of all associate general counsel
4 at all times Defendant manufactured, produced, promoted, formulated, created,
5 designed, sold and/or tested VICTOZA, identifying the individuals by time
6 period;
- 7 (q) Defendant's Chief Operating Officer ("COO") at all times Defendant
8 manufactured, produced, promoted, formulated, created, designed, sold and/or
9 tested VICTOZA, identifying the individuals by time period; and
- 10 (r) Members of any International Product Team maintained or utilized by YOU
11 at all times Defendant manufactured, produced, promoted, formulated,
12 created, designed, sold and/or tested VICTOZA, identifying the individuals
13 by time period.

14 **Response to Interrogatory No. 4:**

15 NNI incorporates, as if fully set forth herein, the General Objections by
16 reference. NNI further objects to this interrogatory as vague and ambiguous as it
17 fails to define certain terms and phrases, including "complaints of side effects,"
18 "liaison," "responsible," and "detailing." NNI further objects to this interrogatory
19 to the extent that it seeks information about Victoza's® manufacture as it is neither
20 relevant nor reasonably calculated to lead to the discovery of admissible evidence
21 because Plaintiffs did not allege any manufacturing defect of Victoza® in this
22 litigation. NNI further objects to the extent this interrogatory seeks information
23 concerning activities outside the United States. NNI objects further to this
24 interrogatory to the extent it requests public information. NNI objects further to
25 this interrogatory to the extent that it seeks information about Victoza® sales
26 representatives more appropriate for case-specific discovery. NNI objects further to
27 this interrogatory to the extent that it seeks information about Victoza's®
28 International Product Team.

1 Subject to and without waiving or otherwise limiting the foregoing general
2 and specific objections, NNI refers Plaintiffs to the organizational charts that will
3 be produced by NNI in this litigation. In addition, pursuant to the parties'
4 agreement on February 3, 2014, NNI will answer this interrogatory more fully at a
5 later time, as needed, once its discovery and document production are more
6 substantially completed and upon mutual agreement by the parties regarding,
7 among other things, the appropriate scope and context of this request.

8 **Supplemental Response to Interrogatory No. 4:**

9 NNI incorporates, as if fully set forth herein, the General Objections by
10 reference. NNI further objects to this interrogatory as vague and ambiguous as it
11 fails to define certain terms and phrases, including "complaints of side effects,"
12 "liaison," "responsible," and "detailing." NNI further objects to this interrogatory
13 to the extent that it seeks information about Victoza's® manufacture as it is neither
14 relevant nor reasonably calculated to lead to the discovery of admissible evidence
15 because Plaintiffs did not allege any manufacturing defect of Victoza® in this
16 litigation. NNI further objects to the extent this interrogatory seeks information
17 concerning activities outside the United States. NNI objects further to this
18 interrogatory to the extent it requests public information. NNI objects further to
19 this interrogatory to the extent that it seeks information about Victoza® sales
20 representatives more appropriate for case-specific discovery. NNI objects further to
21 this interrogatory to the extent that it seeks information about Victoza's®
22 International Product Team. NNI objects further to this interrogatory to the extent it
23 is outside the scope of general causation discovery and inapplicable discovery at this
24 time pursuant to this Court's February 18 Order, which requires Plaintiffs to "narrow
25 all discovery related requests to issues involving general causation." NNI will
26 supplement its answers with information beyond general causation at the appropriate
27 time, if necessary and applicable, per further Order of this Court.

28 Subject to and without waiving or otherwise limiting the foregoing general

1 and specific objections, NNI states that it has numerous employees who may have
2 knowledge relating to Victoza® as addressed in this interrogatory, and it is not
3 possible to identify every such person, particularly at this stage of the litigation. NNI
4 will be producing documents in response to various Requests for Production and as
5 stated in its counsel's February 21, 2014 letter, including documents from custodial
6 files as well as organization charts, and such documents will include the names of
7 many such people from where further answers may be derived. NNI identifies the
8 following individuals as those most likely to have primary knowledge relating to
9 Victoza® with respect to the subject matters identified below:

10
11 Regulatory Affairs

- 12 • **Michelle Thompson:** Senior Director, Regulatory Affairs
13 800 Scudders Mill Road
14 Plainsboro, NJ 08536

15
16 Medical Affairs

- 17 • **Jason H. Brett, M.D.:** Senior Medical Director, Medical Affairs
18 800 Scudders Mill Road
19 Plainsboro, NJ 08536

20
21 Product Safety

- 22 • **Michael Sacco:** Senior Director, Product Safety
23 800 Scudders Mill Road
24 Plainsboro, NJ 08536

25
26 Clinical Development

- 27 • **Christian Born Djurhuus, M.D., Ph.D.:** Executive Director, Clinical
28 Development-Diabetes

800 Scudders Mill Road

Plainsboro, NJ 08536

- **Kathryn Owen:** Vice President, Clinical Trial Management

800 Scudders Mill Road

Plainsboro, NJ 08536

- **Yizhen Xu, M.D., Ph.D.:** Director, Clinical Development and Research

800 Scudders Mill Road

Plainsboro, NJ 08536

Non-clinical Development

- **Liselotte Bjerre Knudsen, Ph.D.:** Senior Principal Scientist, Diabetes Pharmacology & Bioanalysis, Global Research and Development

Måløv Byvej 200

2760 Måløv, Denmark

Subject to and without waiving the foregoing General and Specific objections, NNI states that Alan C. Moses, M.D., is the Global Chief Medical Officer. NNI further states that the following individuals are currently members of NNI's Executive Team:

- **Andrew Ajello:** Senior Vice President, National Diabetes Sales;
- **Frank Bigley:** Chief Compliance Officer and Vice President, Compliance;
- **Phil Fornecker, CPA:** Corporate Vice President, Strategic Business Operations;
- **Jeffrey A. Frazier:** Corporate Vice President, Human Resources and Public Affairs;
- **Jesper Høiland:** President;
- **Kasia Kacperska:** Vice President, Commercial Effectiveness;

- **Camille Lee:** Senior Vice President, Diabetes Marketing;
- **Curt Oltmans:** Corporate Vice President and General Counsel;
- **Anne Phillips, M.D.:** Senior Vice President, Clinical Medical & Regulatory Affairs;
- **Eddie Williams:** Senior Vice President, Biopharmaceuticals.

Interrogatory No. 5:

Identify all persons and/or entities paid by YOU for consulting services of any kind concerning VICTOZA, and for each such person or entity state the nature of the consulting services rendered and the time frame(s) during which they were rendered.

Response to Interrogatory No. 5:

NNI incorporates, as if fully set forth herein, the General Objections by reference. NNI objects further to this interrogatory because the term “consulting services of any kind” is overbroad, ambiguous and vague.

Supplemental Response to Interrogatory No. 5:

NNI incorporates, as if fully set forth herein, the General Objections by reference. NNI objects further to this interrogatory because the term “consulting services of any kind” is overbroad, ambiguous and vague. NNI objects further to this interrogatory to the extent it is outside the scope of general causation discovery and inapplicable discovery at this time pursuant to this Court’s February 18 Order, which requires Plaintiffs to “narrow all discovery related requests to issues involving general causation.” NNI will supplement its answers with information beyond general causation at the appropriate time, if necessary and applicable, per further Order of this Court. NNI objects further to this interrogatory to the extent that it requests the identification of consultants relevant to individual plaintiffs’ treating physicians because that information will be produced as part of the Defense Fact Sheet at the appropriate time per agreement of the parties and Order of this Court.

1 Subject to and without waiving the foregoing general and specific objections,
2 NNI states that it consults with a range of individuals and entities paid for various
3 services concerning Victoza® including Key Opinion Leaders and Investigators
4 whom NNI will identify in the future, to the extent this information is reasonably
5 accessible. At this time, NNI's investigation into this area is still ongoing and NNI
6 plans to supplement with responsive information relevant for general causation
7 pursuant to the discovery schedule set by this Court on March 4, 2014, on a rolling
8 basis, to the extent information is identified. See Order Following Second Case
9 Management Conference, *In re Incretin-Based Therapies Prods. Liab. Litig.*, No. 13-
10 md-2452-AJB-MDD (S.D. Cal. March 4, 2013), Doc. No. 340 ("March 4 Order").

11 **Interrogatory No. 10:**

12 Identify each and every database that YOU or others acting on YOUR behalf
13 maintain or have maintained that is likely to contain any data or information about
14 BYETTA, JANUVIA, JANUMET, VICTOZA and/or any other GLP-1 agonist or
15 DPP-4 inhibitor. Include in your answer:

- 16 (a) The name of each database;
17 (b) The identity of the database administrators;
18 (c) The dates of use for each database;
19 (d) The hardware and software platforms each database utilized;
20 (e) The type of information about BYETTA, JANUVIA, JANUMET, VICTOZA,
21 and/or any other GLP-1 agonist or DPP-4 inhibitor contained in each database;
22 (f) Whether each database was a transactional database;
23 (g) Whether each database was a warehouse database;
24 (h) The identity of all other databases that fed information into each database
25 identified;
26 (i) The search capabilities of each database;
27 (j) The back-up schedule for each database;
28 (k) Whether each database has an audit trail feature that has been enabled;

- 1 (1) The archival, retention and destruction policies with respect to each database;
2 and,
3 (m) Whether any database has been discontinued and what was done with the data
4 contained in any retired database.

5 **Response to Interrogatory No. 10:**

6 NNI incorporates, as if fully set forth herein, the General Objections by
7 reference. NNI objects to this interrogatory because it is overly broad and unduly
8 burdensome. NNI further objects to this interrogatory as vague and ambiguous as it
9 fails to define certain terms and phrases, including “transactional database,” and
10 “warehouse database.” NNI further objects to the extent that this interrogatory
11 relates to or seeks information regarding products other than Victoza®.

12 Subject to and without waiving or otherwise limiting the foregoing general
13 and specific objections, and pursuant to the parties’ agreement on February 3,
14 2014, NNI will answer this interrogatory more fully at a later time, as needed, once
15 its discovery and document production are more substantially completed and upon
16 mutual agreement by the parties regarding, among other things, the appropriate
17 scope and context of this request.

18 **Supplemental Response to Interrogatory No. 10:**

19 NNI incorporates, as if fully set forth herein, the General Objections by
20 reference. NNI objects to this interrogatory because it is overly broad and unduly
21 burdensome. NNI further objects to this interrogatory as vague and ambiguous as it
22 fails to define certain terms and phrases, including “transactional database,” and
23 “warehouse database.” NNI further objects to the extent that this interrogatory
24 relates to or seeks information regarding products other than Victoza®. NNI
25 objects further to this interrogatory to the extent it is outside the scope of general
26 causation discovery and inapplicable discovery at this time pursuant to this Court’s
27 February 18 Order which requires Plaintiffs to “narrow all discovery related requests
28 to issues involving general causation.” NNI will supplement its answers with

1 information beyond general causation at the appropriate time, if necessary and
2 applicable, per further Order of this Court.

3 Subject to and without waiving or otherwise limiting the foregoing general
4 and specific objections, NNI states that it is continuing to investigate and identify
5 the databases where information about Victoza® may be contained and will
6 supplement this response as additional information about NNI's databases is
7 discovered. NNI further states at this time that data or information about Victoza®
8 may be contained in the following databases currently used by NNI:

- 9 • ARGUS: contains Victoza® adverse event data;
- 10 • IRMS: contains Physician Information Requests concerning Victoza®;
- 11 • Insight Manager: contains Regulatory submissions and
12 communications with the FDA regarding Victoza®;
- 13 • NovoDocs: contains clinical protocols and clinical trial reports, among
14 other information;
- 15 • QBIC: contains NNI's SOPs;
- 16 • KOL database: maintains information on KOLs regarding Victoza®;
- 17 • CCGLOW: tracks information regarding customer complaints
18 regarding Victoza®; and
- 19 • IIS: tracks information regarding Investigator Initiated Studies
20 involving Victoza®.

21 **Interrogatory No. 23:**

22 Did the FDA or any advisory committee or sub-committee of the FDA or any
23 other governmental body ever hold any hearings as to the safety and/or efficacy of
24 BYETTA, JANUVIA, JANUMET and/or VICTOZA? If yes, identify the date(s),
25 time(s), place(s), and participants in the hearings; state whether YOU or anyone
26 acting on YOUR behalf provided testimony at any such hearings (including but not
27 limited to hearings by the FDA, CDC, NIH, USDA, U.S. Congress, and/or U.S.
28 Senate); state the outcome of the hearings; attach all transcripts of such hearings in

1 native electronic form; and state whether the FDA and/or any other governmental
2 body ever suggested, requested, or required YOU to provide further information
3 and/or perform further tests as to the safety of BYETTA, JANUVIA, JANUMET
4 and/or VICTOZA.

5 **Response to Interrogatory No. 23:**

6 NNI incorporates, as if fully set forth herein, the General Objections by
7 reference. NNI further objects to this interrogatory as vague and ambiguous as it fails
8 to define certain terms, such as “advisory board.” NNI further objects to the extent
9 this interrogatory calls for information either not within NNI’s possession, custody,
10 or control and/or information that is a matter of public record or otherwise as
11 accessible to Plaintiffs as to NNI. NNI objects further to this interrogatory to the
12 extent it seeks information about regulatory processes and activities outside of the
13 United States because it is neither relevant nor reasonably calculated to lead to the
14 discovery of admissible evidence, and is unduly burdensome to produce in this
15 litigation. NNI further objects to the extent that this interrogatory relates to or
16 seeks information regarding products other than Victoza®.

17 Subject to and without waiving or otherwise limiting the foregoing general and
18 specific objections, and pursuant to the parties’ agreement on February 3, 2014, NNI
19 will answer this interrogatory more fully at a later time, as needed, once its discovery
20 and document production are more substantially completed and upon mutual
21 agreement by the parties regarding, among other things, the appropriate scope and
22 context of this request.

23 **Supplemental Response to Interrogatory No. 23:**

24 NNI incorporates, as if fully set forth herein, the General Objections by
25 reference. NNI further objects to this interrogatory as vague and ambiguous as it fails
26 to define certain terms, such as “hearings” and “advisory board.” NNI further objects
27 to the extent this interrogatory calls for information either not within NNI’s
28 possession, custody, or control and/or information that is a matter of public record or

1 otherwise as accessible to Plaintiffs as to NNI. NNI objects further to this
2 interrogatory to the extent it seeks information about regulatory processes and
3 activities outside of the United States because it is neither relevant nor reasonably
4 calculated to lead to the discovery of admissible evidence, and is unduly burdensome
5 to produce in this litigation. NNI further objects to investigating this interrogatory to
6 the extent it is intended to refer to FDA and government hearings which are matters
7 of public record that are as accessible to plaintiffs as to NNI. NNI further objects to
8 the extent that this interrogatory relates to or seeks information regarding products
9 other than Victoza®. NNI objects further to this interrogatory to the extent it is
10 outside the scope of general causation discovery and inapplicable discovery at this
11 time pursuant to this Court's February 18 Order, which requires Plaintiffs to "narrow
12 all discovery related requests to issues involving general causation." NNI will
13 supplement its answers with information beyond general causation at the appropriate
14 time, if necessary and applicable, per further Order of this Court.

15 Subject to and without waiving or otherwise limiting the foregoing general and
16 specific objections, NNI states that on June 12-13, the National Institute of Diabetes
17 and Digestive and Kidney Diseases (NIDDK) and the National Cancer Institute
18 cosponsored a workshop at the National Institutes of Health (the "Workshop"). The
19 purpose of the Workshop was to bring together experts from academia, medicine,
20 industry, and governmental agencies to present relevant data and perspectives on
21 questions related to diabetes and the risk of pancreatic cancer. The Workshop
22 included a session on the effects of incretin-based therapies. Global Chief Medical
23 Officer Alan C. Moses, M.D. attended the workshop and spoke on behalf of NNI
24 during this session in a presentation titled, "PDAC Incidence with Liraglutide
25 Therapy." See Session 6: Effects of DM Treatment on PDAC, *NIDDK-NCI Workshop*
26 *on Pancreatitis-Diabetes-Pancreatic Cancer*, NIDDK, available at
27 [http://www.niddk.nih.gov/news/events-calendar/Pages/niddknci-workshop-on-](http://www.niddk.nih.gov/news/events-calendar/Pages/niddknci-workshop-on-pancreatitisdiabetespancreatic-cancer.aspx#ui-tab-paneltabsdiv01)
28 [pancreatitisdiabetespancreatic-cancer.aspx#ui-tab-paneltabsdiv01](http://www.niddk.nih.gov/news/events-calendar/Pages/niddknci-workshop-on-pancreatitisdiabetespancreatic-cancer.aspx#ui-tab-paneltabsdiv01). A number of

1 additional employees may have attended the workshop but did not participate or make
2 a presentation. Their names are included in the materials provided to all attendees, of
3 which we understand Plaintiffs are in possession.

4 **Interrogatory No. 39:**

5 Identify each person acting on YOUR behalf who has been responsible for: (a)
6 receiving any complaints, inquiries, letters and other documents pertaining to
7 VICTOZA; (b) evaluating any complaints, inquiries, letters, and other documents
8 pertaining to VICTOZA; (c) investigating any complaints, inquiries, letters or other
9 documents pertaining to VICTOZA; and (d) responding to any complaints, inquiries,
10 letters and other documents pertaining to VICTOZA.

11 **Response to Interrogatory No. 39:**

12 NNI incorporates, as if fully set forth herein, the General Objections by
13 reference. NNI further objects to this interrogatory as vague and ambiguous as it fails
14 to define certain terms and phrases, including “on your behalf,” “responsible,”
15 “inquiries,” “complaints” and “responding.” NNI further objects to this interrogatory
16 to the extent it seeks information unrelated to the alleged risks and injuries at issue in
17 this litigation. NNI further objects to this interrogatory to the extent it seeks
18 information concerning activities outside the United States because it is neither
19 relevant nor reasonably calculated to lead to the discovery of admissible evidence and
20 is unduly burdensome.

21 Subject to and without waiving or otherwise limiting the foregoing general and
22 specific objections, and pursuant to the parties’ agreement on February 3, 2014, NNI
23 will answer this interrogatory more fully at a later time, as needed, once its discovery
24 and document production are more substantially completed and upon mutual
25 agreement by the parties regarding, among other things, the appropriate scope and
26 context of this request.

27 **Supplemental Response to Interrogatory No. 39:**

28 NNI incorporates, as if fully set forth herein, the General Objections by

1 reference. NNI further objects to this interrogatory as vague and ambiguous as it fails
2 to define certain terms and phrases, including “on your behalf,” “responsible,”
3 “inquiries,” “complaints” and “responding.” NNI further objects to this interrogatory
4 to the extent it seeks information unrelated to the alleged risks and injuries at issue in
5 this litigation. NNI further objects to this interrogatory to the extent it seeks
6 information concerning activities outside the United States because it is neither
7 relevant nor reasonably calculated to lead to the discovery of admissible evidence and
8 is unduly burdensome. NNI objects further to this interrogatory to the extent it is
9 outside the scope of general causation discovery and inapplicable discovery at this
10 time pursuant to this Court’s February 18 Order, which requires Plaintiffs to “narrow
11 all discovery related requests to issues involving general causation.” NNI will
12 supplement its answers with information beyond general causation at the appropriate
13 time, if necessary and applicable, per further Order of this Court.

14 Subject to and without waiving or otherwise limiting the foregoing general and
15 specific objections, NNI responds that various employees and departments within
16 NNI receive, evaluate, investigate and/or respond to complaints, inquiries, and/or
17 letters regarding Victoza®, and that the Product Safety department is ultimately
18 responsible for all complaints regarding Victoza® marketed in the U.S. Michael
19 Sacco, Senior Director of Product Safety, has responsibility for the Product Safety
20 department.

21 **Interrogatory No. 48:**

22 At any time since VICTOZA became publicly available in the United States,
23 have YOU discussed or considered withdrawing it from the market due to reports of
24 ADVERSE EVENTS or for any other reason? If YOUR answer is in the affirmative,
25 please state:

- 26 (a) When withdrawal was discussed or considered;
27 (b) Who was involved in any discussions regarding withdrawal;
28 (c) What prompted any discussions regarding withdrawal;

- 1 (d) Whether any studies were undertaken or reviewed in discussing or
2 considering withdrawal and, if so, identify which ones; and
3 (e) Why it was determined not to withdraw VICTOZA from the United States
4 market.

5 **Response to Interrogatory No. 48:**

6 NNI incorporates, as if fully set forth herein, the General Objections by
7 reference. NNI objects to the extent this interrogatory requests information
8 concerning activities outside the United States. NNI further objects to this
9 interrogatory to the extent it is unduly burdensome.

10 Subject to and without waiving or otherwise limiting the foregoing general and
11 specific objections, and pursuant to the parties' agreement on February 3, 2014, NNI
12 will answer this interrogatory more fully at a later time, as needed, once its discovery
13 and document production are more substantially completed and upon mutual
14 agreement by the parties regarding, among other things, the appropriate scope and
15 context of this request.

16 **Supplemental Response to Interrogatory No. 48:**

17 NNI incorporates, as if fully set forth herein, the General Objections by
18 reference. NNI objects to the extent this interrogatory requests information
19 concerning activities outside the United States. NNI further objects to this
20 interrogatory to the extent it is unduly burdensome. NNI objects further to this
21 interrogatory to the extent it is outside the scope of general causation discovery and
22 inapplicable discovery at this time pursuant to this Court's February 18 Order, which
23 requires Plaintiffs to "narrow all discovery related requests to issues involving
24 general causation." NNI will supplement its answers with information beyond
25 general causation at the appropriate time, if necessary and applicable, per further
26 Order of this Court.

27 Subject to and without waiving or otherwise limiting the foregoing general and
28 specific objections, NNI states that it monitors and evaluates the safety data

1 concerning Victoza® on an ongoing basis and to date, has determined that Victoza®
2 does not need to be withdrawn from the market due to safety concerns or otherwise.
3 NNI further states that its decisions are consistent with the July 25, 2013 EMA
4 Assessment Report, which states that the pre-clinical data “do not indicate that
5 [Victoza] treatment is associated with adverse effects on the [] pancreas” and that
6 “there is currently no support from clinical trials that [incretin] based therapies
7 increase the risk” of pancreatic cancer. *See* European Medicines Agency, *Assessment*
8 *Report for GLP-1 Based Therapies*, July 25, 2013, at 8, 16. NNI further states that its
9 decisions are consistent with the recent conclusions from the FDA and EMA
10 published on February 27, 2014 in the New England Journal of Medicine, which state
11 that “the FDA and the EMA have explored multiple streams of data pertaining to a
12 pancreatic safety signal associated with incretin-based drugs. Both agencies agree that
13 assertions concerning a causal association between incretin-based drugs and
14 pancreatitis or pancreatic cancer, as expressed recently in the scientific literature and
15 in the media, are inconsistent with the current data.... The FDA and the EMA have
16 not reached a final conclusion at this time regarding such a causal relationship... The
17 FDA and the EMA believe that the current knowledge is adequately reflected in the
18 product information or labeling.” *See* Amy Egan, M.D., M.P.H., et al. *Pancreatic*
19 *Safety of Incretin-Based Drugs –FDA and EMA Assessment*, 370:9 NEW. ENG. J. MED.
20 794, 796 (2014). NNI further refers Plaintiffs to its NDA and IND productions which
21 include communications with the FDA regarding the safety of Victoza®.

22 **Interrogatory No. 49:**

23 Has there ever been a discontinuance, either temporary or otherwise, of any
24 exenatide, sitagliptin, liraglutide and/or any other GLP-1 agonist or DPP-4 inhibitor-
25 containing medication in the United States or any other country? If YOUR answer is
26 in the affirmative, indicate the following:

- 27 (a) Which drug(s) were removed from the market;
28 (b) When the removal(s) occurred;

- 1 (c) Whether the discontinuance(s) were permanent or temporary;
2 (d) The primary motivations behind the discontinuance(s); and,
3 (e) The rate of discontinuance in comparison to the overall prevalence of the
4 drug(s) on the market.

5 **Response to Interrogatory No. 49:**

6 NNI incorporates, as if fully set forth herein, the General Objections by
7 reference. NNI objects to this interrogatory as vague and ambiguous. NNI further
8 objects to this interrogatory to the extent it seeks information unrelated to the alleged
9 risks and injuries at issue in this litigation. NNI further objects to this interrogatory to
10 the extent it seeks information concerning products other than Victoza®. NNI further
11 objects to the extent this interrogatory requests information regarding foreign
12 regulatory activities.

13 Subject to and without waiving or otherwise limiting the foregoing general and
14 specific objections, and pursuant to the parties' agreement on February 3, 2014, NNI
15 will answer this interrogatory more fully at a later time, as needed, once its discovery
16 and document production are more substantially completed and upon mutual
17 agreement by the parties regarding, among other things, the appropriate scope and
18 context of this request.

19 **Supplemental Response to Interrogatory No. 49:**

20 NNI incorporates, as if fully set forth herein, the General Objections by
21 reference. NNI objects to this interrogatory as vague and ambiguous. NNI further
22 objects to this interrogatory to the extent it seeks information unrelated to the alleged
23 risks and injuries at issue in this litigation. NNI further objects to this interrogatory to
24 the extent it seeks information concerning products other than Victoza®. NNI further
25 objects to the extent this interrogatory requests information regarding foreign
26 regulatory activities. NNI objects further to this interrogatory to the extent it is
27 outside the scope of general causation discovery and inapplicable discovery at this
28 time pursuant to this Court's February 18 Order, which requires Plaintiffs to "narrow

1 all discovery related requests to issues involving general causation.” NNI will
2 supplement its answers with information beyond general causation at the appropriate
3 time, if necessary and applicable, per further Order of this Court.

4 Subject to and without waiving or otherwise limiting the foregoing general and
5 specific objections, NNI states that there has not been any discontinuance of Victoza®
6 in the U.S. market.

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2 Dated: March 6, 2014

DLA PIPER LLP (US)

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21 I am readily familiar with the firm's practice of collection and processing
22 correspondence for mailing. Under that practice it would be deposited with the
23 U.S. Postal Service on that same day with postage thereon fully prepaid in the
24 ordinary course of business. I am aware that on motion of the party served, service
25 is presumed invalid if postal cancellation date or postage meter date is more than
26 one day after date of deposit for mailing in affidavit.

27 I declare that I am employed in the office of a member of the bar of this court
28 at whose direction the service was made.

1 Executed on March 6, 2014, at Philadelphia, Pennsylvania.
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4 /s/ Lauren M. Nonnemacher
5 Lauren M. Nonnemacher
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